

June 20, 2007

Ms. Cynthia Crabtree
Connecticut Law Journal
111 Phoenix Avenue
Enfield, Connecticut 06802-4453

Re: Regulations Concerning Standards of Identity for Olive Oil

Dear Ms. Crabtree:

Please publish the enclosed "Notice of Intent to Amend Regulations" and text of the proposed regulations concerning the above-referenced matter in the Tuesday, July 3, 2007, edition of the Connecticut Law Journal.

If you have any questions regarding the above publication, please call my office. Thank you.

Sincerely,

Jerry Farrell, Jr.
Commissioner of Consumer Protection

Enclosure

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
NOTICE OF INTENT TO AMEND REGULATIONS

In accordance with the authority granted in Section 21a-115 of the Connecticut General Statutes, it is the intention of the State of Connecticut, Department of Consumer Protection, to amend the Regulations of Connecticut State Agencies by adding Sections 21a-100-7 through to 21a-100-10.

All interested persons who wish to express their views orally may do so at a public hearing to be held at the Department of Consumer Protection, Room 119, State Office Building, 165 Capitol Avenue, Hartford, Connecticut, at 10:00 a.m., on Tuesday, August 28, 2007.

All interested persons who wish to submit data, views or arguments may do so in writing within thirty (30) days following the publication of this notice. An original and ten (10) copies of any such written materials should be directed to Jerry Farrell, Jr., Commissioner, Department of Consumer Protection, Room 103, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.

The proposed changes are set forth as follows:

S/REG-CLJ NOTICE2

**STATE OF CONNECTICUT
REGULATION
OF
DEPARTMENT OF CONSUMER PROTECTION
CONCERNING
STANDARDS OF IDENTITY FOR OLIVE OIL**

The Regulations of Connecticut State Agencies are amended by adding sections 21a-100-7 thru 21a-100-10, inclusive, as follows:

(NEW) Section 1. Section 21a-100-7. Statement of Purpose and Scope.

This standard applies to olive oils and olive-pomace oils in intrastate commerce in Connecticut presented in a state for human consumption.

(NEW) Sec. 2. Section 21a-100-8. General Definitions.

(1) "IOOC" means the International Olive Oil Council, an international voluntary consensus trade organization formed for the development of standards on characteristics and performance of olive products and the promotion of trade and knowledge related to the accurate and honest presentation of such products.

(2) "Olive oil" for the purpose of these regulations means the oil obtained solely from the fruit of the olive tree (*Olea Europaea* L.), to the exclusion of oils obtained using solvents or re-esterification processes and of any mixture with oils of other kinds.

(3) "Olive oil" for the purpose of product labeling means oil consisting of a blend of refined olive oil and virgin olive oils fit for consumption as they are. It has a free acidity, expressed as oleic acid, of not more than 1 gram per 100 grams and its other characteristics correspond to those fixed for this category in this regulation.

(4) "Olive-pomace oil" for the purpose of product labeling means oil obtained by treating olive pomace with solvents or other physical treatments, to the exclusion

of oils obtained by re-esterification processes and of any mixture with oils of other kinds.

(5) “Refined olive oil” for the purpose of product labeling means the olive oil obtained from virgin olive oils by refining methods which do not lead to alterations in the initial glyceridic structure. It has a free acidity, expressed as oleic acid, of not more than 0.3 grams per 100 grams and its other characteristics correspond to those fixed for this category in this regulation.

(6) “Virgin olive oil” for the purpose of product labeling means those oils obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions, particularly thermal conditions, that do not lead to alterations in the oil, and which have not undergone any treatment other than washing, decanting, centrifuging and filtration. Virgin olive oils fit for consumption as they are including:

(a) “Extra virgin olive oil” means virgin olive oil which has a free acidity, expressed as oleic acid, of not more than 0.8 grams per 100 grams, and the other characteristics of which correspond to those fixed for this category in this standard.

(b) “Virgin olive oil” means virgin olive oil which has a free acidity, expressed as oleic acid, of not more than 2 grams per 100 grams and the other characteristics of which correspond to those fixed for this category in this standard.

(c) Ordinary virgin olive oil means virgin olive oil which has a free acidity, expressed as oleic acid, of not more than 3.3 grams per 100 grams and the other characteristics of which correspond to those fixed for this category in this standard.

(NEW) Sec. 3. Section 21a-100-9. Food Additives.

(a) Virgin olive oils. No additives are permitted in these products.

(b) Refined olive oil, olive oil, refined olive-pomace oil and olive-pomace oil. The addition of alpha-tocopherol to these products is permitted to restore natural tocopherol lost in the refining process. The concentration of alpha-tocopherol in the final product shall not exceed 200 mg/kg.

(NEW) Sec. 4. Section 21a-100-10. Standards for olive oil, labeling and administrative provisions.

(a) The Commissioner of Consumer Protection shall require that olive oil presented and sold for human consumption in intrastate commerce in the state of Connecticut shall meet the most recent version of the International Olive Oil Council standards, coi/t.15/nc no.3/ rev. 1, entitled "Trade Standard applying to olive oils and olive-pomace oils," or the standard of identity for olive oil as adopted by the United States Food and Drug Administration when such standards have been adopted.

(b) A copy of the IOOC trade standard applying to olive oils and olive-pomace oils shall be maintained by the department for examination by the public during normal business hours until such time that a standard of identity for olive oil has been adopted by the United States Food and Drug Administration.

(c) Failure to meet such standards shall render such olive oil sold in intrastate commerce in the state of Connecticut misbranded pursuant to Section 21a-102 of the Connecticut General Statutes.

Statement of Purpose:

(A) These regulations came about in response to complaints made to the Department by olive oil importers. In particular Sclafani Foods, a multi-generational food importer based in Connecticut has had issues with the sale of olive oil and quality declarations made about that oil, making the case that these were false claims based their experience that they could not import these oils wholesale for the prices being charged retail. It was also noted that while quality standards for olive oil, e.g., pomace, virgin and extra-virgin are widely used there are no formal definitions for those claims that are enforceable by law.

FDA has also reported on enforcement actions on adulterated olive oil, (cut with soy and other less expensive oils). An enforceable standard of identity would help to protect consumers from such practices and the potential risk of allergenic reactions to Connecticut consumers using those products.

(B) This law would essentially adopt by reference the standards for production and labeling of olive oil used by the International Olive Oil Council, www.internationaloliveoil.org.

(C) It is expected that these regulations will help promote the honest and accurate presentation of olive oil for sale in the State of Connecticut, and eliminate potential allergen risks related to adulterated products.

